

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN M. HUMPHRIES,)
Plaintiff,) Civil Action No. 10 - 1514
v.)
MARY M. HOUGHTON; et al.,)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on November 12, 2010, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules for Magistrate Judges.

On December 21, 2010, the Magistrate Judge filed a report and recommendation that the plaintiff's complaint be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983 (ECF No. 18). Plaintiff filed several objections to the report and recommendation (ECF Nos. 19, 20, 21, 23, 24 and 26). Plaintiff's objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, and the objections thereto, the following order is entered:

AND NOW, this 18th day of March, 2011;

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

IT IS FURTHER ORDERED that the report and recommendation (ECF. No. 18) dated December 21, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: John M. Humphries
#40729
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219